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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,073	07/31/2003	David Phillip Johnson	RSW920030091US1	2036
45541 7590 06/04/2007 HOFFMAN WARNICK & DALESSANDRO LLC 75 STATE ST 14TH FLOOR ALBANY, NY 12207			EXAMINER LIM, KRISNA	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 06/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

10/632,073

### Applicant(s)

JOHNSON, DAVID PHILLIP

### Examiner

Krisna Lim

### Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

1. Claims 1-26 are presented for examination.

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

3. Claims 20-26 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter as being intangibly embodied in a manner so as to be a program product stored on a recordable medium when executed. The statement of "program product stored on a recordable medium when executed" is not clearly stated that they are executed by a computer. Thus, the applicant is recommended to amend the claimed language to make clear that they are computer executed in order to overcome the 35 U.S.C. § 101 rejection.

4 The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-26 are rejected under 35 U.S.C. § 102(a) as being anticipated by Beyda [U.S. Patent No. 6,766,422].

Beyda anticipates (e.g., see Figs. 1-2) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference anticipates a method for asynchronously processing requests, comprising:

a) receiving a request for a Uniform Resource Locator (URL) from a client, and obtaining a session object corresponding to the request (e.g., see Fig. 2, col. 3, lines 2-27)) ;

b) generating a response identifier based on a session identifier and the URL (e.g., see col. 3, lines 2-27);

c) determining if the URL was previously requested by the client based on the response identifier (e.g., see col. 3, lines 2-27), col. 3 (line 55) to col. 4 (line 60));

d) generating a response refresh header that includes a time value for causing the client to automatically send a subsequent request for the URL (e.g., see col. 3 (line 55) to col. 4 (line 60)); and

e) sending a temporary response to the request and the response refresh header to the client (e.g., see col. 3 (line 55) to col. 4 (line 60)).

5. As to claim 2, Beyda further anticipate the step of sending the request to a response caching system with an instruction to cache a final response to the request according to the response identifier (e.g., see col. 3, lines 2-27, col. 3 (line 55) to col. 4 (line 60)).

6. As to claim 3, Beyda further anticipate the request is a web request (e.g., see col. 3 (line 4), col. 5).

7. As to claim 4, Beyda further anticipate the response identifier comprises the session identifier and a hash of the URL (e.g., see cols. 3-4)).

8. As to claim 5, Beyda further anticipate determining if a final response to the request is complete, prior to the generating step; and sending the final response to the client if the final response is complete, wherein the refresh header is not generated and sent to the client with the temporary response if the final response is complete (e.g., see cols. 3-5).

9. As to claim 6, Beyda further anticipate commencing generation of a final response to the request; and storing the final response in a cache according to the response identifier when the final response is complete (e.g., see cols. 3-5).

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10. As to claim 7, Beyda further receiving a subsequent request for the URL from the client after expiration of the time value in the response refresh header; obtaining the session object; generating the response identifier; determining whether the URL was previously requested based on the response identifier; checking the cache for the final response to request based on the response identifier; and sending the final response to the client if the final response complete, wherein a new refresh header is generated and sent to the client with a new temporary response if the final response is not complete (e.g., see cols. 3-5).

11. As to claim 8, Beyda further anticipate the determining step comprises checking a table in the session object for the response identifier to determine if the URL was previously requested by the client (e.g., see col. 3, lines 2-27), col. 3 (line 55) to col. 4 (line 60)).

12. Claims 9-26 similar in scope as of claims 1-8, and therefore claims 9-26 are rejected for the same reasons set forth above for claims 1-8.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

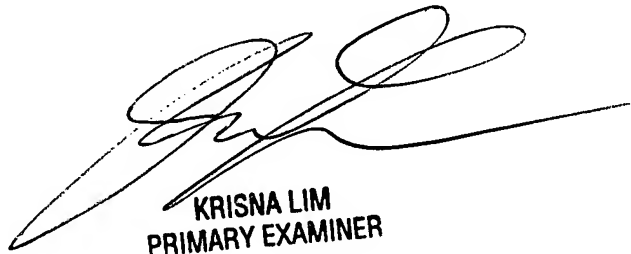
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

May 24, 2007



KRISNA LIM  
PRIMARY EXAMINER